

**COMMENT MATRIX**  
**CITATIONS FROM COMMENTS RECEIVED BY THE**  
**DELTA STEWARDSHIP COUNCIL BETWEEN**  
**OCTOBER 15, 2010 AND NOVEMBER 8, 2010**

The following matrices include direct citations from comments received by the Delta Stewardship Council (Council) between October 15, 2010 and November 8, 2010. The citations are directly from letters and emails, and were not corrected for misspellings or grammar. Many comments were excerpted due to the length of the comment. All of the letters and emails are located on the Council website. The comments were placed into eight categories, as summarized below. Several comments occur in several categories. These comments do not include comments submitted to specific work groups.

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**Matrix 1 List of Commentors**

<b>Association</b>	<b>Signatory</b>	<b>Date</b>
Butte County	Gosselin	10/6/2010
California State Water Resources Control Board	Howard	10/7/2010
California Water Impact Network	Krieger	11/2/2010
California Water Impact Network	Krieger	11/2/2010
California Water Impact Network	Krieger	11/2/2010
California Water Impact Network	Krieger	11/2/2010
California Water Impact Network	Krieger	11/2/2010
California Water Impact Network	Krieger	11/2/2010
Coalition for a Sustainable Delta	Phillimore	11/2/2010
Coalition for a Sustainable Delta	Phillimore	11/5/2010
Commentor	Seed	10/4/2010
Congress, Chairwoman Subcommittee on Water and Power	Napolitano	10/20/2010
Environmental Water Caucus	Nesmith	10/20/2010
Northern California Water Association, Regional Water Authority, Glenn-Colusa Irrigation District, and Placer County Water Agency	Guy	11/3/2010
Pacific Institute	Gleick	10/21/2010
Sacramento Regional County Sanitation District	Dean	11/3/2010
Solano County Water Agency	Okita	11/2/2010
South Delta Water Agency	Herrick	10/27/2010
South Delta Water Agency	Herrick	10/27/2010
South Delta Water Agency	Herrick	10/27/2010
South Delta Water Agency	Herrick	10/27/2010
South Delta Water Agency	Herrick	10/27/2010
State and Federal Contractors Water Agency	Buck	9/22/2010
State and Federal Contractors Water Agency	Buck	10/18/2010
State and Federal Contractors Water Agency	Buck	10/20/2010
State and Federal Contractors Water Agency	Buck	10/20/2010
State and Federal Contractors Water Agency	Buck	11/2/2010
U.S. Department of Homeland Security, FEMA	Lenaburg	10/14/2010

**Matrix 2      Comments Related to Early Actions (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Congress, Chairwoman Subcommittee on Water and Power	10/20/2010	I respectfully request a review and recommendations on evaluation of the operation of the Delta Cross Channel on migrating Fall Chinook salmon...I am requesting that the Delta Stewardship Council review the existing approach that the DWR and Bureau of Reclamation use in determining operations at the Delta Cross Channel and identify the elements that should be included in a scientifically rigorous approach to evaluation. Specifically: • The primary question: Will the closure of the Delta Cross Channel Gates for two weeks in October significantly increase the number of Fall Chinook salmon reaching the Mokelumne River Hatchery at the base of Comanche Dam? • Based on the use of the Department of Water Resources (DWR) DSM2 flow operations model, what components of the model should be tested to evaluate the ability of the model to address biological responses and sensitivity to water quality and quantity? • The following questions have been asked: o Does closure of the Delta Cross Channel gates affect the ability for Fall Chinook salmon to reach the Mokelumne River Hatchery? o What range in the number of days would the Delta Cross Channel gates need to be closed under a high, average and low water year (as defined by DWR) to ensure that at a minimum 5,000 Fall Chinook salmon are able to reach the Mokelumne River Hatchery? o What data should be collected to evaluate whether the closure and opening of the Delta Cross Channel gates affects the ability of the Fall Chinook to migrate to the Mokelumne River Hatchery? o What data should be collected to evaluate the impact of the closure and opening of the Delta Cross Channel gates on the water quality at the State Water Project and Central Valley Project pumps? o What approach should be used to evaluate whether the Department of Water Resources DSM2 model is sensitive enough to address water delivery volumes and quality to the SWP and CVP pumps? o Can the DSM2 model be used to evaluate the impact of providing additional water quantity from the upper Mokelumne River to the lower Mokelumne River?	This information was considered by the Council as part of Early Actions and will be provided to Reclamation and other agencies.

**Matrix 3      Comments Related to Bay Delta Conservation Plan (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
South Delta Water Agency	10/27/2010	This I think perfectly sums up the problems with the BDCP process; it seeks to do something that simply cannot work. One cannot have full contractors supplies given the yield of the system. We have not even determined how much water can be exported while still preserving the environment and superior water rights. First with regard to hydrology, included herewith is a chart from the Weber Foundation produced around the time the State Water Project was being authorized. As you can see from this chart, during a repetition of the 1928-34 drought, the Sacramento and San Joaquin River systems produce approximately 17.6 MAF of water. During this same period, the in-basin needs (not including exports) are approximately 25.6 MAF. Thus, the system is short approximately 8 MA F each year during such a drought.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Supplies.
South Delta Water Agency	10/27/2010	To partially address this huge shortage, the SWP originally sought to add 5 MAF of water from north coast rivers to the Sacramento system. None of that 5 MAF was or apparently) ever will be added. Hence, a significant amount of the anticipated supply is simply not available today. If 5 MAF of supply is not available, how can exports seek full contract deliveries?	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Supplies.
South Delta Water Agency	10/27/2010	...the Contractors' assert that they have "lost" exports over the last decade. exports have risen steadily over the past decades, peaking during the CalFed years. Recent decreases from these peak numbers are due to two factors. We have experienced a number of dry and critically dry water years, thus diminishing the available supply. Rationally, exports should have gone down. More importantly, exports during the last decade have been curtailed by environmental concerns and drastic fishery declines. The failure of regulatory agencies to protect the environment is clearly the cause. The SWP never applied for and has never had a "take" permit under California ESA...Further, the federal "take" authorizations (Biological Opinions's) were found by the courts to be wholly inadequate, and interim, emergency export limitations were imposed.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Supplies.
South Delta Water Agency	10/27/2010	In the winter of 2009, the outflow objective became 11,400 cfs. Immediately before the objective went into effect, exports were 2,000 cfs. The Contractors increased exports to 4,000 cfs making the actual outflow approximately 7,000 cfs...This shows that when exporters need water (such as in a drought) they simply take some else's water to satisfy their needs; just as they did in this example in 2009 when they took about 1/3 of the minimum fishery flow.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Supplies.

**Matrix 3      Comments Related to Bay Delta Conservation Plan (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
South Delta Water Agency	10/27/2010	The Arcadis Report hit the nail on the head in many areas, most importantly noting that BDCP simply refuses to acknowledge reality and blunders forward to seize an amount of water desired. From an interested parties perspective, it is amazing to watch as the State and other parties spend such huge amounts of money and time to once again re-divide an insufficient pie in a manner which conflicts with State water right priority laws, and State and Federal environmental laws.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Supplies.
State and Federal Contractors Water Agency	10/20/2010	Arcadis should focus its future activities to highlight issues of concern relevant to the Council's designation as a "responsible agency" for the EIR/EIS process that will be analyzing a proposed project, developed through the BDCP steering committee process, and potential alternatives to it that will also achieve the water supply reliability and ecosystem objectives stated in the purpose and need statement -- consistent with and in furtherance of the coequal goals.	This comment will be considered in the evaluation of the BDCP.
State and Federal Contractors Water Agency	10/20/2010	Overall, the Arcadis report belied a general ignorance of the process to date, including over 3 years of effort and analysis within a transparent and public forum (including web access to meetings and web posting of draft documents and background material). The report also seems to plead a poverty of information on the one hand based on an asserted lack of responsiveness to requests for information, while on the other hand Arcadis still apparently felt confident enough to make various conclusions about the efficacy of what has or has not been accomplished with an accusatory and antagonistic tone that appears to echo the view of some sampling of unidentified "stakeholders".	This comment will be considered in the evaluation of the BDCP.
State and Federal Contractors Water Agency	10/20/2010	As to the complaint of a lack of access to information, as Secretary Snow testified, he could find no record of such informational requests and when he queried relevant staff they were unaware of such requests as well. Our member agencies' staff involved with the BDCP, including individuals on the BDCP "management team", were also unaware of such requests being made.	This comment will be considered in the evaluation of the BDCP.

**Matrix 3      Comments Related to Bay Delta Conservation Plan (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	10/20/2010	"The consultants will brief the Council and then engage in a discussion with Council on how best to proceed with resolving/investigating issues with BDCP." The Council does not have a role in "resolving" or "investigating" issues related to the BDCP. As a "responsible agency" it is to provide comment on the draft documents, not be engaged in their production per se. In this instance, the formal draft documents will not be released until next spring. All of this review and comment, including public comment, is beyond the norm and should not be attacked as inadequate when in fact to do so falls into the category of "no good deed goes unpunished." It is appropriate, as noted at the Council's September meeting, for Arcadis to identify issues of concern that the Council may wish to communicate with the lead agencies – i.e. to "ring the bell" if necessary.	This comment will be considered in the evaluation of the BDCP.
State and Federal Contractors Water Agency	10/20/2010	"The BDCP final draft is scheduled for release on November 18, 2010." This is not correct. A "preview" public draft is scheduled for release on 11/18/10. In fact, various drafts and information informing the drafting has been shared with the steering committee and posted to the web throughout the BDCP process over the last three years, plus. A formal "final draft" is targeted for release next spring, concurrent with the formal "public draft" of the EIR/EIS, consistent with the BDCP planning agreement.	This comment will be considered in the evaluation of the BDCP.

**Matrix 3      Comments Related to Bay Delta Conservation Plan (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	10/20/2010	<p>"In its current form BDCP does not appear to evaluate a wide range of conveyance alternatives, nor does it appear to consider alternatives that will reduce current levels of reliance on the Delta for water export. BDCP stakeholders have suggested that a revised purpose and need statement should be developed. Though a number of alternatives are being considered, it is unclear that these constitute a "full range." The BDCP steering committee received multiple briefings regarding the results of modeling runs and operational scenarios, including estimates of impacts of climate change in out-decades. With regard to infrastructure "alternatives", both a tunnel and a canal have been analyzed. In addition, there is a "no action" alternative and a non-dual through-Delta alternative. As for the range of diversions that could feed into the new conveyance facility, 3,000 cfs, 6,000 cfs, 12,000 cfs and 15,000 cfs diversions are being analyzed. Logically, a "full range" would seem to be defined as from zero to the capacity of the existing pumping facilities in the south Delta, so the asserted lack of clarity is difficult to fathom. As so many have and continue to do, the conflation of the "reduce[d] reliance" language in the Delta Reform Act with the BDCP process is erroneous. State policy is to "reduce reliance...in meeting...future water supply needs through a statewide strategy of investing" in alternatives. BDCP's purpose is to restore lost supplies and reliability to meet current demands. It is not within the scope of BDCP to articulate a "statewide strategy of investing" in alternative means of meeting future water demands, particularly when the legislation says that is a task for "each region that depends on water from the Delta watershed" to engage in. While a handful of BDCP "stakeholders" question whether the BDCP purpose and need statement should be changed in response to the Delta Reform Act, there is no need to do so because the existing purpose and need statement is consistent with the Delta Reform Act, and in fact clearly reflects the co-equal goals.</p>	This comment will be considered in the evaluation of the BDCP.

**Matrix 3      Comments Related to Bay Delta Conservation Plan (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	10/20/2010	"BDCP does not appear to include evaluation of exports alternatives that will reduce exports. Can BDCP achieve its purpose if it includes evaluation of a reduced exports alternative?" BDCP is not designed to reduce exports. Exports can be reduced without the investment of tens of billions of dollars and, in fact, have been significantly reduced over the last decade with little environmental benefit to show for it. The purpose of BDCP is to improve conveyance, as mandated by the Delta Reform Act, and invest in restoration of the Delta ecosystem to get it on to a path toward recovery. Through a multi-species, comprehensive approach, it is expected that exports lost over the last decade will be able to be recovered on a long-term average basis, while improving the Delta ecosystem too. Export contractors understand there is no guarantee of a certain water supply, but do believe that their investment in the BDCP and its implementation will improve certainty, reliability, and on a longterm average basis, increased water deliveries over the reduced levels experienced under the present regulatory regime. BDCP will not "achieve its purpose" under a pre-determined reduced exports alternative, however, such an alternative is in the mix for analytical purposes within the EIR/EIS.	This comment will be considered in the evaluation of the BDCP.
State and Federal Contractors Water Agency	10/20/2010	"Addressing the SWRCB flow criteria requires BDCP operational scenarios that support both the quantity and pattern of flows needed for covered fish and other aquatic species...BDCP as yet does not fully apply SWRCB flow criteria ..." Per the Act, the SWRCB's flow criteria are to "inform" the BDCP, not be imposed upon it. The SWRCB itself concluded that the identified flow criteria, if implemented, would result in significant negative impacts to salmon as well as significantly reducing water supplies to all users of water within and exported from the Delta watershed. The BDCP operational criteria and adaptive range will be shaped in consideration of the SWRCB's flow criteria, but with the appropriate balance between the plan's goals of ecosystem and water supply improvements. Indeed, by definition, imposition of the flow criteria identified by the SWRCB would not satisfy the coequal goals but rather would make a mockery of them. BDCP is developing operating criteria that will provide a range within which real-time management choices can be made by project operators in consultation with the fishery agencies to optimize benefits to the fisheries while achieving water supply and water supply reliability goals as well, i.e. the coequal goals. Ultimately, it is telling that the SWRCB's report explicitly and strongly supported the BDCP effort as a key component of a comprehensive approach necessary to contribute to achievement of the coequal goals.	This comment will be considered in the evaluation of the BDCP.

**Matrix 3      Comments Related to Bay Delta Conservation Plan (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	10/20/2010	"Can improved reliability be achieved with reduced water exports that have a greater certainty of delivery? At this time BDCP does not appear to notably reduce reliance on water exports from the Delta." The question belies a lack of understanding of the problems being addressed by the BDCP and the way water is managed throughout California. In addition to reliability of supplies, there is also the other side of the equation which is the adequacy of supplies. BDCP is addressing both sides of the coin, reliability and supply. As noted previously, it is not BDCP's role or obligation to address the policy to "reduce reliance" on the Delta to meet "future water supply needs".	This comment will be considered in the evaluation of the BDCP.
State and Federal Contractors Water Agency	10/20/2010	"It appears that BDCP assumes full contract delivery as a goal and does not provide an analysis of ecosystem benefits that may be gained from reduced exports." BDCP "assumes" nothing, but does indeed have as part of its purpose and need a goal of recovering the ability to have full contract deliveries, subject to hydrology and environmental requirements, as explicitly stated in the purpose and need statement. Again, the continued reference to "reduced exports" as a stand-alone "goal" is meritless in the context of the BDCP and meeting California's current water supply needs to serve its economy and maintain public health and safety.	This comment will be considered in the evaluation of the BDCP.
State and Federal Contractors Water Agency	10/20/2010	"BDCP does not appear to consider a full range of both near - and long-term operations scenarios." This is not the case. The BDCP considered various operational scenarios and will continue to evaluate them going forward. At the end of the day, the operational scenarios will be subject to SWRCB permitting, as well as needing to satisfy NCCP/HCP criteria.	This comment will be considered in the evaluation of the BDCP.

**Matrix 3      Comments Related to Bay Delta Conservation Plan (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	10/20/2010	"BDCP stakeholders have also expressed concern regarding the currently anticipated release of the draft BDCP document prior to the release of the draft EIR/EIS. It has been noted that the BDCP Planning Agreement requires concurrent release to facilitate adequate public review and comment." Arcadis again communicates this statement as if the unidentified "BDCP stakeholders" referenced represent a broadly held viewpoint. The fact is that the formal public drafts of the BDCP and the DHCCP EIS/EIR are scheduled for concurrent release this coming spring. A "preview draft" (for lack of a better term) is slated for release November 18, 2010. Instead of providing the basis for an unfounded criticism, this "preview draft" is allowing for extending the public's ability to comment on a draft product for six months prior to what would normally be the case. Additionally, as required by law, there will be time for public comment after the formal draft is actually released next spring. Thus, rather than giving the public short shrift, the BDCP process is providing many more months of opportunity for public comment – after a publically accessible and transparent process lasting more than three years putting the proposed project together which was designed to meet the rigorous public process requirements of the NCCPA.	This comment will be considered in the evaluation of the BDCP.
State and Federal Contractors Water Agency	10/20/2010	"As described in our first report , it remains unclear if BDCP will meet its schedule, and whether there will be sufficient time to adequately address comments and evaluate alternatives prior to release of final public draft." While schedule is always difficult, the comment begs the question as to what requirement exists to "address comments" prior to release of a public draft. Moreover, while all of the alternative evaluation may not be totally complete by November 18, 2010, whatever is required for a satisfactory formal public draft will be completed prior to its release, currently targeted for the spring of 2011. This is another unfounded "concern".	This comment will be considered in the evaluation of the BDCP.
State and Federal Contractors Water Agency	10/20/2010	"There does not appear to be compliance with the federal agencies "White Paper on Application of the 5 Point Policy -04-29-1 0 " guidance to BDCP. " The "White Paper" is not a "compliance" document. It was offered by the federal agencies to foster discussion and collaboration on how best to formulate the pertinent portions of the BDCP to most effectively address fishery agency expectations with regard to satisfying NCCP and HCP requirements.	This comment will be considered in the evaluation of the BDCP.

**Matrix 3      Comments Related to Bay Delta Conservation Plan (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	10/20/2010	"BDCP also does not currently provide funding assurances as required by the HCP process." What is required for receiving permits is understood. This comment from Arcadis confuses current status with final development of the complete BDCP. Such criticisms, seemingly based on the presumption that such issues aren't being discussed or won't be resolved, are misplaced. In fact, some of the requirements for NCCP/HCP certification, e.g. the finance strategy, may not be resolved until the environmental process is completed and the permits applied for. While discussions of such issues are underway, to expect closure on all of them by November 18, 2010 or by release of the formal public draft next spring is unrealistic and unnecessary.	This comment will be considered in the evaluation of the BDCP.
State and Federal Contractors Water Agency	10/20/2010	"Though BDCP is an open process , limited information is publicly available on DHCCP, under which the preliminary engineering and design is done. It is important that we gain access to technical information that has led to key decisions." The DHCCP is not a public process. Like most projects, the project proponents here are developing a plan for a project to achieve certain purposes. The public draft EIR/EIS is the access point for those in the public seeking such information on the environmental effects, alternatives, and mitigation measures available for the plan. However, with respect to the Council's access to information as a "responsible agency" there are legitimate areas of information that are accessible to the Council upon request prior to release of a Draft environmental document.	This comment will be considered in the evaluation of the BDCP.

**Matrix 3      Comments Related to Bay Delta Conservation Plan (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	10/20/2010	<p>"The efficacy of proposed measures is not well supported and significant future uncertainty persists with regards to the effects of proposed BDCP actions on the distribution, abundance, and ecological influence of invasive species." Uncertainty is the rule when it comes to environmental management in the Delta. As Council member Nordhoff commented, there will never be "certainty" with respect to environmental understanding in the Delta. The BDCP is an effort to move beyond the ineffective species-by-species approach of the current regulatory structure and implement a comprehensive, multi-species, multi-stressor reduction NCCP/HCP. It is expected that the numerous actions taken together, including habitat creation and the promotion of desired ecosystem functions and processes, will result in a total benefit that is greater than the sum of the parts. It is expected that invasive species will be addressed directly by those agencies that can and have the authority to do so, e.g. DFG should remove bag limits on bass species as urged by NMFS, and indirectly by making the Delta less supportive of invasives by making its hydrodynamics and geometry more "natural" in their variability. Again, this is a criticism without rational justification in the context of the BDCP.</p>	This comment will be considered in the evaluation of the BDCP.

**Matrix 4 Comments Related to Notice of Preparation (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Coalition for a Sustainable Delta	11/2/2010	The NOP cites to the Legislation for the requirement that the Delta Plan be “consistent” with the Coastal Zone Management Act (“CZMA”) (p. 2)1. We request that the Council provide additional clarification in the NOP about how the Delta Plan is intended to interact with the CZMA.	SBX7 1 requires completion of the Delta Plan in accordance with the Coastal Zone Management Act
Coalition for a Sustainable Delta	11/2/2010	The NOP defines the “primary planning” area as the statutory Delta and Suisun Marsh but it fails to clearly define what the “secondary planning area” is for purposes of the Delta Plan.	A map and description of the planning area have been added to the NOP version for consideration by the Council in November 2010
Coalition for a Sustainable Delta	11/2/2010	With respect to the water resources improvements considered for inclusion in the Delta Plan on pages 11-13 of the NOP, we have a number of concerns and clarifications. First, expanded metering should be included in the discussion of possible urban water conservation measures.	Metering can be included as one of the water use efficiency strategies and will be considered in development of the alternatives
Coalition for a Sustainable Delta	11/2/2010	...the NOP should use equivalent language to address both agricultural and urban water conservation measures.	This has been incorporated into the NOP
Coalition for a Sustainable Delta	11/2/2010	...the NOP proposes an almost 90-year study period. Given the high uncertainty related to the magnitude of future sea level rise and other conditions by 2100, we suggest that the Council consider analyzing impacts through the Bay Delta Conservation Plan permit term (estimated through the year 2062) as a more appropriate temporal scope.	The study period has been extended to 2100 to address ecosystem issues identified in SBX7 1
Coalition for a Sustainable Delta	11/5/2010	Slide 11 (Environmental, Agricultural, and Urban Water Use Compared): Information from water years 2008 and 2009 would provide useful information on changes to ag and urban water supply under recent court decisions. The information on Slide 11 of the California’s Water Supply and Uses presentation is taken from the 2009 Water Plan Update, which focuses on the 2005 water year. The environmental uses, represented by the blue column in the graphs, include wild and scenic river requirements and Delta Outflow requirements. Because DWR has not gathered, or at least published, the relevant information beyond 2005, the 2009 Water Plan—and hence slide 11—does not reflect more recent levels of environmental, agricultural and urban uses. 2005 was a fairly wet year, so even under Water Rights Decision 1641, which regulates water project operations, there was a good deal of required Delta outflow. However comparing a year like 2005 to 2008 or 2009 would provide useful and necessary information on the impacts of the recent federal court decisions issued by Judge Wanger regarding the salmon and delta smelt biological opinions. For 2008 and 2009, the green and gray bars, representing agricultural and urban use, would be much lower.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources

**Matrix 4      Comments Related to Notice of Preparation (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Coalition for a Sustainable Delta	11/5/2010	Slide 13 (Urban/agricultural water use increases and available water for environmental use decreases in drier years): More recent information is needed to reflect the impacts of recent court decisions on agricultural and urban water use in drier years. The information in slide 13 is helpful to demonstrate the difference in ag, urban and environmental uses in wet, average and dry years, but the slide does not show the impacts of the recent court decisions issued by Judge Wanger regarding the salmon and delta smelt biological opinions. 2007 (a dry year) and 2009 (a below average year) should be added to illustrate the drastic difference (decrease) in water received by ag and urban under Wanger and the biological opinions when compared to 1641. Even if this information has not been published, estimates should be available from DWR. At a minimum, the slide should include a footnote discussing this issue.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Coalition for a Sustainable Delta	11/5/2010	Slide 16 (Cumulative change in Central Valley groundwater storage (1962-2003)): Providing the total estimated groundwater storage for the Central Valley would help readers understand the order of magnitude for the chart as a whole. Without a comprehensive figure of groundwater storage capacity it is difficult to put the figures in the chart into context.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Coalition for a Sustainable Delta	11/5/2010	Slide 18 (Balancing water supplies and uses from year to year is becoming more challenging): The first bullet point on Slide 18 should note that in many cases, shifting to permanent crops increases irrigation efficiency but hardens demand. The first bullet point on Slide 18, which states that shifting to permanent crops results in "changing irrigation patterns" should more specifically describe the "changes" with respect to irrigation. In many cases, irrigation efficiency increases, but the demand hardens. This addition will provide more specific information to readers who may not be familiar with agricultural practices.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources

**Matrix 4      Comments Related to Notice of Preparation (10/15/10-11/8/10)**

<b>Association</b>	<b>Date</b>	<b>Comment</b>	<b>Status of Comment</b>
Coalition for a Sustainable Delta	11/5/2010	Slides 22-23 (Average annual snowmelt for Upper Feather River; Historical and projected decreasing California snowpack): This set of slides, which illustrates the decreases in snowmelt and snowpack, should also address increases in direct run-off from rain and the related issue of storage. Slides 22-23 tell only a part of the story related to the predicted impacts associated with changing temperatures and precipitation patterns. Although there will be less snowmelt and overall water supply with increased temperatures, a shift in run-off is also predicted. Rather than precipitation in the form of snow, which melts later in the year and contributes to water supplies, there will be an increased amount of direct run-off occurring earlier in the year. The increased, earlier run-off means that additional storage is a key component to capture that supply for future use. Focusing only on the decrease in supply driven by a decrease in snowmelt doesn't address the need for additional storage. Increased runoff, timing, and storage issues are all discussed in the 2009 California Water Plan Update prepared by DWR.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Northern California Water Association, Regional Water Authority, Glenn-Colusa Irrigation District, and Placer County Water Agency	11/3/2010	Neither the NOP nor the Delta Plan should propose a geographic scope beyond the immediate Delta. The Delta Plan is described in the Delta Reform Act...the Delta Plan is limited to the Delta except to the extent that it identifies the projects specifically described in these sections. While the Delta Reform Act contemplates these very specific activities outside the Delta, it clearly does not contemplate a Delta Plan that covers nearly the entire State of California as suggested by the NOP. At a minimum, the NOP should make clear that the Delta Plan is limited to the Delta and will extend beyond the Delta only for the limited purposes contained in these Water Code sections. Expanding the jurisdictional scope and actions of the Delta Plan beyond the Delta, except as otherwise required by statute, will make the Delta Plan unwieldy and will likely dilute its effectiveness in providing solutions for the Delta – the primary focus of the Delta Reform Act.	This comment has not been incorporated into the NOP at this time because the full extent of the Delta Plan has not been identified
Northern California Water Association, Regional Water Authority, Glenn-Colusa Irrigation District, and Placer County Water Agency	11/3/2010	Given the definition of Responsible Agency as provided in CEQA and its Guidelines, it appears that identification of many local agencies located wholly outside of the Delta is improper. Because the Delta Plan should focus on the Delta only, agencies outside the Delta will not carry out or approve the Delta Plan and do not have “discretionary approval power” over the Delta Plan. The draft NOP therefore fails to conform to CEQA and the CEQA Guidelines because it fails to identify parts of the proposed Delta Plan that the local agencies identified as responsible agencies would carry out or approve.	This comment has not been incorporated into the NOP at this time because the full extent of the Delta Plan has not been identified

**Matrix 4      Comments Related to Notice of Preparation (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Sacramento Regional County Sanitation District	11/3/2010	Under CEQA, it thus appears that identification of SRCSD as a responsible agency for the Delta Plan is inappropriate, as SRCSD does not propose to carry out the Plan, does not propose to approve the Plan, and does not have "discretionary approval power" over the Plan.	This comment has not been incorporated into the NOP at this time because the full extent of the Delta Plan has not been identified
State and Federal Contractors Water Agency	11/2/2010	Page 3: The background section is exclusively focused on water management as the driver for the creation of the Council. This is too narrow a perspective and does not accurately reflect the broader issues that also provided impetus to the creation of the Council, including land use activities, loss of habitat, overlapping jurisdictional problems, a desire to improve flood protection and emergency management, etc.	This information was added in later portions of the NOP
State and Federal Contractors Water Agency	11/2/2010	Page 6, Lines 16-22: We reiterate our view that section 85021 of the Delta Reform Act (Act) is not a policy directive intended to be satisfied by the Delta Plan. Section 85021 is explicit in calling for a "statewide strategy" of "investing in improved regional supplies" and then stating that "[e]ach region...shall improve its regional self-reliance" by undertaking specified activities. Section 85303 requires that the Delta Plan "shall promote statewide water conservation and water use efficiency and sustainable use of water," leaving implementation to local entities. While it is appropriate for the Council's Plan to support this statewide policy by offering technical assistance and encouraging funding and incentives to increase regional water management, it is beyond the Council's mandate to insert itself into what must ultimately remain local water management agency decisions as they work to apply the policy articulated in section 85021 to the differing and often unique circumstances within their regions.	This comment has not been incorporated into the NOP at this time because the full extent of the Delta Plan has not been identified
State and Federal Contractors Water Agency	11/2/2010	Page 7, lines 4-9: We believe this paragraph overstates the role of the Council and its Delta Plan, seemingly turning what is supposed to be a duty to plan, coordinate, promote and review the actions of others for consistency with the goals of the Act, into a regulatory program. For example, to assert that the purpose of the Delta Plan is to meet "all" of the objectives of the Act is simply unrealistic and does not reflect the limited authorities of the Council	This comment has not been incorporated into the NOP at this time because the full extent of the Delta Plan has not been identified
State and Federal Contractors Water Agency	11/2/2010	Page 9, lines 23-25: This language should clarify that areas receiving water exported from the Delta watershed include those served by diverters such as SFPUC, EBMUD, NDWA, CCWD, etc., along with the SWP and CVP.	A map has been added to the NOP

**Matrix 4      Comments Related to Notice of Preparation (10/15/10-11/8/10)**

<b>Association</b>	<b>Date</b>	<b>Comment</b>	<b>Status of Comment</b>
State and Federal Contractors Water Agency	11/2/2010	Page 9, lines 26-32: The references to both “state and local agency actions related to the Delta” and “covered actions” in this paragraph raise the question of what the relationship is, if any, between the two and we request more clarification of that point. Although this section is specifically related to the “Primary Planning Area” of the Delta, the reference to 85300’s mention of “related to the Delta” seems to imply the potential for reaching beyond the Delta	This comment has not been incorporated into the NOP at this time because the full extent of the Delta Plan has not been identified
State and Federal Contractors Water Agency	11/2/2010	Page 11, line 9: It would be beneficial to define what is meant by “implementation measures” and what the Council will be “implementing” as part of carrying out its Delta Plan, since other agencies will be doing the actual implementation of measures to further the Delta Plan.	Examples of strategies are included in the NOP
State and Federal Contractors Water Agency	11/2/2010	Page 12, line 17: It is important to indicate the 20 percent reduction in per capita water use is based on a statewide aggregation and not focused on every individual in every jurisdiction reducing their use by 20 percent	This change has been made
State and Federal Contractors Water Agency	11/2/2010	Page 12, line 20: There is an implication that the Council may develop “implementation measures” that could include urban water conservation requirements “that expand upon” objectives in the Act. We do not believe this is appropriate or would be a fruitful direction for the Council to pursue.	This comment has not been incorporated into the NOP at this time because the full extent of the Delta Plan has not been identified
State and Federal Contractors Water Agency	11/2/2010	Page 13, lines 10-11: The reference to the BDCP under the Improved Water Conveyance and Storage section is appropriate. We do believe similar references to the BDCP should be included under the Restore Delta Ecosystem, Improve Water Quality, and the Reduce Risks sections as well because of the demonstrable benefits the BDCP will have in those areas.	Additional references to BDCP have been incorporated into the potential strategies

**Matrix 5 Comments Related to Development of Alternatives (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Butte County	10/6/2010	As part of the Delta Plan, the DSC must take into consideration the SWRCB flow criteria...The SWRCB flow criteria considers flows in a vacuum, as the primary solution to the Delta's problems and suggests that the flow criteria are supported by the "best available scientific information". Although the Legislature forced the SWRCB to narrowly focus on flows within the Delta, it is abundantly clear that flows alone cannot solve the complex problems of the Delta. We strongly believe that a suite of activities should be, considered to maintain the health of the Delta.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources and Alternatives
Butte County	10/6/2010	The SWRCB flow criteria do not consider the effect to environments outside of the Delta and the important role those areas play in a healthy and economically viable California. The SWRCB report does not take into consideration the devastating effect that the recommended flow criteria would have on the overall economy or ecosystem north of the Delta. Butte County is an agriculturally based economy reliant on a balance of ground and surface water. If these recommendations are implemented, they could remove approximately 50% of the surface water supply currently used to support local agriculture operations. The SWRCB report does not take into consideration the effect on the environment and economy resulting from increased groundwater usage within our region.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources and Alternatives
Butte County	10/6/2010	With the adoption of the SWRCB report by the DSC and further consideration for the Bay Delta Conservation Plan processes, it is critical that the SWRCB report be consistent with the legislative directive, but also appropriately address and clarify what is necessary versus what may be convenient.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources and Alternatives
California Water Impact Network	11/2/2010	It is important to note that there is no Best Practicable Treatment and Control technology to treat the toxic drainage from the Western San Joaquin Valley on the scale necessary other than land retirement. The U.S. Geological Survey has stated that "Land retirement is a key strategy to reduce drainage because it can effectively reduce drainage to zero if all drainage impaired lands are retired." Even if treatment were feasible, it is not cost effective and any potential solutions rely heavily on massive public subsidies.	This comment will be considered for preparation of the Delta Plan and EIR and the Alternatives

**Matrix 5      Comments Related to Development of Alternatives (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
California Water Impact Network	11/2/2010	The prospects for proving agricultural drainage treatment technology technically and financially feasible are highly uncertain at best. In fact, the US Bureau of Reclamation recently wrote to Senator Diane Feinstein that the proposed treatment of millions of acres of polluted water was technically infeasible and would require Congressional approval in excess of \$2.7 billion. Even Westlands Water District has suggested the treatment option is unlikely in a recent filing in Eastern Federal District Court.	This comment will be considered for preparation of the Delta Plan and EIR and the Alternatives
California Water Impact Network	11/2/2010	Given the enormous costs, financial infeasibility, and the utter lack of a reasonable technological solution other than land retirement, the Stewardship Council should take a close look at land retirement in the Environmental Impact Report as a means of reducing reliance on Delta exports to comply with the Delta Reform Act and to clean up selenium, salt, boron and nutrient pollution in the San Joaquin River and the Delta. A lot of stressors to San Joaquin River and Delta aquatic ecosystems could be reduced or removed by such actions, resulting in substantial savings to taxpayers as well as improvements to California's environment. The Pacific Institute has identified 1.3 million acres of toxic lands within both the Central Valley Project and State Water Project service areas that would be eligible for retirement and would free up to 3.9 million acre-feet of water. <sup>10</sup> At a cost of \$3,500/acre to include the water with the land, \$4.55 billion would free up 3.9 million acre-feet of water under contract and significantly reduce pollution of the San Joaquin River, the Delta and the valley's aquifers. While the cost is greater than the \$2.7 billion for implementation of the San Luis Drainage ROD, it includes acquisition of contract water associated with the retired lands that the San Luis Drainage ROD does not include. It also includes retiring a significant amount of land within the State Water Project service area that was not considered in the San Luis Drainage ROD. That is by far a much better deal than spending an equivalent amount of money on new reservoirs that would provide a fraction of the amount of water and provide few, if any water quality benefits. New Delta conveyance facilities are estimated to be \$8 to \$11 billion, <sup>11</sup> and the combined cost of building Sites and Temperance Flat reservoirs is estimated to be \$6.4 billion, producing less than half a million acre-feet of water annually.	This comment will be considered for preparation of the Delta Plan and EIR and the Alternatives

**Matrix 5 Comments Related to Development of Alternatives (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
California Water Impact Network	11/2/2010	...we urge the Stewardship Council to include a full evaluation in the Delta Plan EIR of retirement of all toxic agricultural lands within the San Joaquin, Kern and Tulare basins to compare the benefits and costs to other alternatives such as building new reservoirs and paying for unproven technology for treatment of pollution. Reliance on nonexistent technology and public subsidies to continue farming toxic lands for the enrichment of a few harms farming, fishing and could devastate the Delta estuary livelihood, and is a violation of state and federal laws.	This comment will be considered for preparation of the Delta Plan and EIR and the Alternatives
Coalition for a Sustainable Delta	11/2/2010	With respect to the water resources improvements considered for inclusion in the Delta Plan on pages 11-13 of the NOP, we have a number of concerns and clarifications. First, expanded metering should be included in the discussion of possible urban water conservation measures.	Metering can be included as one of the water use efficiency strategies and will be considered in development of the alternatives
Commentor	10/4/2010	Mr. Spragg originally proposed his waterbag technology as a potential emergency measure for transporting fresh water across a seismically damaged Delta a number of years ago. My assessment was that although it was a novel and interesting idea, it would not be very useful at the full State level as the volume of water that could be delivered via towed waterbags was too small, and as it would face likely difficulties with regard to constrictions, obstacles and potential puncture threats during transit across a badly damaged Delta. I was struck, however, by the greater potential represented by using the same type of fabric technology to construct a modular fabric "pipeline" through the Delta. As noted in the attached E-mail from Tawnley Pranger (Chief, Response and Security Section, Division of Flood Management, DWR) there is some significant potential promise here.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives
Commentor	10/4/2010	My view is that such a singular focus on the current effort to push through a secure transmission facility was an inadvisably risky approach, given (1) the unacceptably high current stakes, (2) the unacceptable likelihood that a seismic disaster will occur before such a secure transmission facility can be put in place (which will take at least ten years, even if we begin right away.... and with a roughly 1.5% chance each year of seismic disaster in the interim), and (3) the likelihood that construction of a secure transmission facility will continue to be further delayed anyway (by political and legal obstacles and challenges, etc.). History suggests that we will continue to live with unacceptably high exposure to an unprecedented water disaster for some time to come, and as we discussed it is my view that interim and emergency back-up plans should be considered, and that promising alternatives should be pursued with all possible vigor.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives

**Matrix 5 Comments Related to Development of Alternatives (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Commentor	10/4/2010	The fabric pipelines may be a potentially feasible emergency measure to partially mitigate the current potential for a seismically induced water disaster. Apparent advantages might include: 1. Relatively low cost. 2. The apparently environmentally benign nature of the system (as compared to massive dredging, etc., and potential semi-permanent rearrangement of channels and flow to otherwise expedite "regular" levee repairs and reconstruction.) 3. The rapidity with which the system could be deployed. 4. The modular nature of the system, so that it can be progressively expanded (additional pipelines added) over the initial months after an earthquake. 5. The system itself would appear to be rapidly repairable, and so could be maintained in a resilient manner for several years in the face of urgent levee repair and reconstruction efforts. "Potentially feasible" is an important phrase, however. This is a novel proposal, and it would need to be studied, and field tested.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives
Commentor	10/4/2010	Given that the current levels of risk are so high, and that the prospects for a rapid implementation of a secure long-term solution (e.g. a more "permanent" seismically secure facility) are both uncertain and remote with respect to even best-case timing; undertaking expeditious efforts to evaluate and implement "interim and emergency response enhancement" alternative should have the highest possible priority.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives
Environmental Water Caucus	10/20/2010	We recommend a more aggressive urban conservation goal than the Governor's 20% by 2020. Under a high efficiency scenario, urban demand could be reduced by 5 million acre feet by 2030 (Pacific Institute, 2005, California Water 2030: An Efficient Future, pg. 34). We recommend changes in urban water rate structures that penalize excessive use and reward low water usage. Recycling of water, mostly in urban areas, including urban wastewater, gray water and storm water. This can result in an additional 2 million acre feet of water per year by 2030.	This comment will be considered for preparation of the Delta Plan and EIR, including description of alternatives
Environmental Water Caucus	10/20/2010	...because agriculture uses the majority of managed water in the state, we feel that continued movement toward conservation is critical to meeting the water needs of California. There are several estimates on how much could be expected from agricultural conservation, ranging from a low of 600,000 acre feet to several million.	This comment will be considered for preparation of the Delta Plan and EIR, including description of alternatives

**Matrix 5 Comments Related to Development of Alternatives (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Environmental Water Caucus	10/20/2010	It is our sense that currently, if our recommendations are implemented that new surface storage is not necessary...There is enough under ground storage available (conjunctive use) to hold that much from wet year run-off at little cost to tax payers. Additionally, it will take much less money to incentivize the public on conservation and efficiency, and provide much more water in return. Also of importance, any water that flows into these new reservoirs must come from existing rivers, which are already over-drawn today.	This comment will be considered for preparation of the Delta Plan and EIR, including description of alternatives
Environmental Water Caucus	10/20/2010	As to a new conveyance system, we feel that current plans are not necessary if diversion reduction targets are met. If the State Water Board's flow criteria, which must be part of the considerations of the Council, are met, through-Delta conveyance is possible without a new facility. It is certainly likely the Delta can be recovered if diversions are in the 3 million acre foot area, as the flow criteria prescribes. Protection against seismic risk and sea level rise are still an on-going discussion. That said, a 15,000 cfs diversion facility would be ecologically harmful, very costly, and is not necessary.	This comment will be considered for preparation of the Delta Plan and EIR, including description of alternatives
Environmental Water Caucus	10/20/2010	We feel strongly that the EWC report provides the framework to have this dialogue. We also recognize that California has been managing water for more than 100 years in one way – dam, divert, plumb and pump. As such, there is significant economic and cultural inertia for any alteration to the status quo. However, it is time to recognize that California has grown from a few million to now 37 million with the same water system, and that system is now causing an over-taxed and suffering Delta watershed. It is seen in the environmental impacts to fisheries and other aquatic and terrestrial life. Species are near extinction! Economies and families dependant upon hese fisheries are suffering. Communities dependant upon them are suffering. Iconic and historic fish species are no longer available to citizens.	This comment will be considered for preparation of the Delta Plan and EIR, including description of alternatives
Pacific Institute	10/21/2010	My recommendation is this: convene a broad-based working group to look at ALL alternatives in a comprehensive framework. While the work of the Pacific Institute has focused on cost-effective water-use efficiency potential through technical and management approaches (and while we believe the potential of these approaches to be indisputably large), we also believe in the “portfolio” approach that can include appropriate infrastructure; groundwater management; land retirement; crop switching; and other actions – each of which is likely to be unpalatable to one interest group or another. That, however, cannot be allowed to justify removing an option from the table.	This comment will be considered during the development of the alternatives.

**Matrix 5      Comments Related to Development of Alternatives (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	9/22/2010	There is no need for the Council to revisit that which was reviewed by the Delta Vision process and has been evaluated carefully by credible independent analysts in recent years whose recommendations mirror the charge of the Council - to pursue both ecosystem restoration in the Delta and a reliable water supply for the State.' The premises that the EWC bases its assumptions have been addressed before and have been proven wanting, as discussed below. Additionally, the EWC asks the council to ignore its legislative mandates regarding inclusion of the Bay Delta Conservation Plan in its Delta Plan, and its overall coequal goals.	This comment will be considered during development of the EIR/EIS alternatives
State and Federal Contractors Water Agency	9/22/2010	The EWC's proposed alternative asks the Council to scrap the Bay Delta Conservation Plan and ignore legislative mandates related to both your mission and specific water management activities prescribed in the Delta Reform Act (Act). The legislature decided the BDCP "shall" be part of the Delta Plan if certified by DFG as satisfying the applicable legislative criteria. The Council has been designated as a "responsible agency" for the purposes of the EIR/EIS process which already provides the Council will the ability to review and comment regarding the alternatives being developed and analyzed to meet the coequal goals. Water conservation is being addressed through 20 x 2020 processes and ongoing discussions regarding agricultural water use efficiency improvements. Infrastructure investments are mandated in the Act as one of the eight central components of "Delta Policy" [85020(1) -Improve the water conveyance system and expand statewide water storage]. The "public trust balance" requires satisfaction of the public interest as well, which requires reliable and adequate water supplies to meet California's economic and public health and safety needs.	This comment will be considered during development of the EIR/EIS alternatives
State and Federal Contractors Water Agency	9/22/2010	The, EWC greatly overstates the effectiveness of water savings. In particular generally citing but not providing a reference for a Pacific Institute Study, they cite 8 MAF in potential agricultural efficiencies, which is grossly misleading in terms of what that could mean for the Delta and statewide water supply. The only meaningful analysis of water conservation potential relative to Delta flows has to take into account basin-wide efficiencies, as did Bulletin 160-05, also cited. Savings in one place that simply reduce supplies elsewhere are not effective in bridging the gap between supply and demand regionally or statewide.	This comment will be considered during development of the EIR/EIS alternatives

**Matrix 5 Comments Related to Development of Alternatives (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	9/22/2010	The EWC notes large potential for new groundwater storage and wastewater recycling but argues for "no new infrastructure". Both of those activities almost always require new infrastructure. Further, to store excess wet period flows in groundwater basins requires means to move the water captured in wet periods from reservoirs upstream of the Delta across the Delta to downstream groundwater basins. Optimal water recycling will require improvements in the export quality of water transported to areas of the state where wastewater now is discharged to the ocean.	This comment will be considered during development of the EIR/EIS alternatives
State and Federal Contractors Water Agency	9/22/2010	The claim that retirement is the most reliable and cost-effective "solution" is devoid of serious analysis or fact...Referring to these lands as "toxic" is an emotional pejorative which is deliberately misleading in trying to imply a problem that does not exist as stated. The reality is that the West Side Drainage Plan for which local landowners within the San Luis and Delta Mendota Water Authority and the State of California have invested over \$70 million to date has halved the salt and selenium loads to the Delta from this region . State mandated water quality requirements have been consistently met for over ten years and completion of the .plan is expected to eliminate regular subsurface farmland drainage from the Grasslands drainage area to the Delta.	This comment will be considered during development of the EIR/EIS alternatives
State and Federal Contractors Water Agency	9/22/2010	The EWC incorrectly cites exports as the "primary cause of decline of the Delta and species"...The reality as found by credible research regarding Delta problems and as concluded by the Delta Vision Task force is that there are likely many causes of Delta decline and all significant stressors must be addressed if we are to restore more natural ecosystem functions for the Delta.	This comment will be considered during development of the EIR/EIS alternatives
State and Federal Contractors Water Agency	9/22/2010	One, the EWC implies a correlation here without providing the statistics to back it. Additionally, correlation is not causation and they offer no analysis of why any purported correlation has a biological basis. Three, the graph glaringly omits years beyond 2007 when exports were dramatically lower and yet fish did not recover. Four, unless exports are put in the context of water available in the system and outflow in a given year, such analysis is meaningless. In years where exports were up in the 2000-2007 period, overall delta outflows were also up dramatically. Yet the EWC does not claim then that increased outflows are causing fish declines.	This comment will be considered during development of the EIR/EIS alternatives
State and Federal Contractors Water Agency	9/22/2010	The EWC attempts to provide a correlation to salmon decline that does not hold up under any scrutiny. Clearly, something else is at work here. The National Marine Fisheries service has concluded that this most recent decline is likely elated to ocean conditions.	This comment will be considered during development of the EIR/EIS alternatives

**Matrix 5      Comments Related to Development of Alternatives (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	10/18/2010	At your September meeting, you asked that we provide our perspective regarding the relationship of the Bay Delta Conservation Plan (BDCP) to the policy objectives established in the Delta Reform Act of 2009 (Act) “for management of the Delta”. The objectives you asked about are set forth in section 85020 and 85021. The simple answer is, of course, any action taken under the Delta Reform Act—including the BDCP—must comply with applicable constitutional, legislative and judicial policies.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives
State and Federal Contractors Water Agency	10/18/2010	We believe, and are working to ensure, that the BDCP will, consistent with the Act and all other applicable policies implicating water development and use and environmental protection, contribute to the achievement of all of these policies or portions thereof and as such the question of “applicability” of the Act to the BDCP is essentially moot. The fact is, assuming it is permitted as a NCCP/ HCP by the resource agencies and certified by the Department of Fish and Game (DFG) as having satisfied the CEQA requirements of the Act, implementation of the BDCP will further the policies the legislature established in section 85020 as “inherent in the coequal goals for management of the Delta”.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives
State and Federal Contractors Water Agency	10/18/2010	With regard to section 85021, we interpret the question you are asking is whether it requires State Water Project (SWP) and Central Valley Project (CVP) exports from the Delta to be reduced, thus superseding the BDCP’s original objectives as established in its purpose and need statement and requiring the BDCP to be revised? The answer to this question is firmly “no”. The basis of our position is explained in detail in our letters to the Council dated May 26 and July 28, 2010...First and foremost, section 85021 is focused on meeting “future water supply needs,” while the BDCP includes as a project objective the restoration of lost water supply reliability and recovery of baseline long-term average supplies that existed approximately a decade ago to meet then current needs...Furthermore, the misinterpretation being suggested by the Council could lead one to conclude that any activity related to water transfers across the Delta and water banking south of the Delta to improve statewide water management capabilities would run afoul of section 85021 as well. The same misguided argument would also apply to investments in ecosystem enhancements, including those occurring independent of the BDCP, to benefit fisheries, potentially leading to removal or relaxation of project operational regulatory constraints resulting in “increased exports” at any given time while still meeting the coequal goals. Such an interpretation thus ironically would actually undermine state policy and create a disincentive to pursuing a comprehensive approach to management of the Delta and achieving the coequal goals for California.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives

**Matrix 5      Comments Related to Development of Alternatives (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	10/18/2010	...we remind the Council that a major factor in California water managers' success in keeping water deliveries at the level they have in recent years despite the downward spiral in supplies and supply reliability is the significant investment water agencies have made in conservation and the development of alternative supplies, resulting in close to a zero increase in cumulative water use in the face of population growth and economic expansion over the last quarter century or so. These investments will continue to be made into the future, consistent with section 85021. However, these necessary investments are outside the scope of the BDCP and the EIR/EIS analyzing its potential impacts and potential alternatives to meeting its project objectives.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives
State and Federal Contractors Water Agency	10/18/2010	California's "future water supply needs" i.e, the increment of increased demands due to population or other growth, will not be met with water supplies secured through the BDCP. The supplies BDCP seeks to restore are the foundation upon which the future supply strategies and investments contemplated in section 85021 can and will be built. For example, improved export water quality via an isolated transfer facility will allow may recycled water projects and groundwater conjunctive use projects to be feasible that otherwise would not be due to salinity constraints. Without a successful BDCP, one that meets its purpose and need, that foundation will itself be unacceptably weak and ineffective.. California can't live with that.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives

**Matrix 6 Comments Related to Water Resources (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Butte County	10/6/2010	The northern Sacramento Valley region is the Area of Origin for much of the water that flows through the Delta. Therefore our region is a major source for California's overall water supply picture.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
California State Water Resources Control Board	10/7/2010	Water Rights. On October 5, 2010, the State Water Resources Control Board (Board) adopted the attached resolution to delegate specific duties to the Delta Watermaster. The following enforcement authorities were delegated: authority to issue notices of cease and desist orders and administrative civil liability complaints, authority to conduct settlement conferences, and authority to issue decisions by settlement. Appropriate use of these authorities can lead to the protection of lawful water rights.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
California State Water Resources Control Board	10/7/2010	Water conservation. The Board has authority to implement the Constitution's mandate to prevent waste or unreasonable use of water. I agree that this authority is available to promote water conservation efforts and intend to make this topic the subject matter of one of my regular reports.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
California State Water Resources Control Board	10/7/2010	Groundwater. The Delta Watermaster's authority is limited to diversions in the Delta, and for the monitoring and enforcement of Board Orders and license and permit terms and conditions that apply to conditions in the Delta. However, I am mindful that any discussion of statewide water issues must include groundwater and that the Board's waste or unreasonable use authority extends to groundwater. Future reports on water rights administration issues could include groundwater issues.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 3-1 Lines 15-17 should read The San Francisco Bay-Delta estuary now lacks many of these critical attributes and modern management activities have reduced variability.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 3-1 Lines 25-26 Delete these lines...	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 3-3 Figure 3-2, why is the westernmost flow arrow unidirectional? It would also be helpful if there was a legend identifying where those measurements are taken	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 3-3 line 27 should read... altering salinity magnitude and variability both temporally and spatially throughout the Delta, ...	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources

**Matrix 6 Comments Related to Water Resources (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Contra Costa Water District	10/27/2010	p. 3-4 line 2 please elaborate more on “frequent shifts of the salinity gradient away from down-estuary natural state”....This is the first and last time that concept appears in the text. There are no mentions of causes for this or no references to actual published observations or graphs of public data (all are readily available).	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 4-4 line 1 Please incorporate the following text to accompany figure 4-1.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	Figure 4-1 shows historical trends of Sacramento and San Joaquin River Basin runoff, trends of reservoir storage in each of those basins, delta diversions and exports, irrigated acreage in the Central Valley and winter and fall salinity at the confluence of the Sacramento and San Joaquin Rivers. The two top plots show that runoff in the upper water shed is extremely variable from year to year. This extreme variability in water supply prompted dam construction in the upper watershed to ensure a more reliable water supply. The greatest increase in upstream reservoir storage occurred from the 1920's through the 1960's. Prior to the construction of major water management reservoirs, irrigated acreage grew to about 4 MAF. The construction of the reservoirs allowed irrigated acreage to increase to about 9 MAF. Since 1951, when the first south Delta export facility was completed, annual diversions from the Delta have increased to a maximum of about 6 MAF; total annual diversions from the system are estimated at up to 15 MAF. A consequence of the increases in water stored upstream and increases in demand (exports and irrigation) is greater sea water intrusion and a saltier Delta, particularly in the fall months. Prior to 1976, fall salinity was high only in relatively dry years; recently, fall salinity is high almost every year. High salinity in the fall has been identified as a factor in the decline of the Delta ecosystem. Baxter et al. (2008) noted that “fall salinity has been relatively high during the POD years, with X2 positioned further [sic] upstream, despite moderate to high outflow conditions during the previous winter and spring of most years.”	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 4.7 Dams section would make more sense if it were moved after the channel reconfiguration section. The dams section should also include a paragraph on the effects on sediment transport in the system and the importance of turbidity to Delta smelt.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 4-10 The quality of Figure 4-6 needs improvement.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources

**Matrix 6 Comments Related to Water Resources (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Contra Costa Water District	10/27/2010	p. 4-11 lines 11-21 Upstream Diversions – The section should make clear that the diversions that led to the salinity intrusion in the 1920's and 1930's were primarily upstream diversions.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 4-11 line 26 should read...Flows through the Delta are now highly regulated to meet water demands, provide flood control, maintain water quality standards, and in recent years to protect fisheries.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 4-12 Figure 4-7 has no legend or explanation for what those stars are. Are they major diversion points? If so, it would help if they were scaled to size to show the maximum capacity of each of those pump stations.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 4-17 lines 15 should read... Today, net flows in the southern Delta have a strong north-south directionality towards the export pumps...	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 4-17 line 26-29 should read... Upstream diversions for agriculture have greatly reduced San Joaquin River flows into the Delta. Once in the Delta, much and at times all of the San Joaquin River flow is diverted by local agricultural intakes or exported through the southern export facilities and does not flow out of the Delta westward towards the ocean.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 4-19 Figure 4-10 does not show temporal trends in tidal energy dissipation and so does not support the text on line 14 of the same page.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Solano County Water Agency	11/2/2010	The North Bay Aqueduct, which consists of a pumping plant and an underground pipeline, is part of the SWP. The aqueduct begins at Barker Slough in the northwestern part of the Delta and provides a municipal water supply to cities in Solano and Napa counties.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Supplies.
South Delta Water Agency	10/27/2010	This I think perfectly sums up the problems with the BDCP process; it seeks to do something that simply cannot work. One cannot have full contractors supplies given the yield of the system. We have not even determined how much water can be exported while still preserving the environment and superior water rights. First with regard to hydrology, included herewith is a chart from the Weber Foundation produced around the time the State Water Project was being authorized. As you can see from this chart, during a repetition of the 1928-34 drought, the Sacramento and San Joaquin River systems produce approximately 17.6 MAF of water. During this same period, the in-basin needs (not including exports) are approximately 25.6 MAF. Thus, the system is short approximately 8 MA F each year during such a drought.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Supplies.

**Matrix 6      Comments Related to Water Resources (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
South Delta Water Agency	10/27/2010	To partially address this huge shortage, the SWP originally sought to add 5 MAF of water from north coast rivers to the Sacramento system. None of that 5 MAF was or apparently) ever will be added. Hence, a significant amount of the anticipated supply is simply not available today. If 5 MAF of supply is not available, how can exports seek full contract deliveries?	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Supplies.
South Delta Water Agency	10/27/2010	...the Contractors' assert that they have "lost" exports over the last decade. exports have risen steadily over the past decades, peaking during the CalFed years. Recent decreases from these peak numbers are due to two factors. We have experienced a number of dry and critically dry water years, thus diminishing the available supply. Rationally, exports should have gone down. More importantly, exports during the last decade have been curtailed by environmental concerns and drastic fishery declines. The failure of regulatory agencies to protect the environment is clearly the cause. The SWP never applied for and has never had a "take" permit under California ESA...Further, the federal "take" authorizations (Biological Opinions's) were found by the courts to be wholly inadequate, and interim, emergency export limitations were imposed.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Supplies.
South Delta Water Agency	10/27/2010	In the winter of 2009, the outflow objective became 11,400 cfs. Immediately before the objective went into effect, exports were 2,000 cfs. The Contractors increased exports to 4,000 cfs making the actual outflow approximately 7,000 cfs...This shows that when exporters need water (such as in a drought) they simply take some else's water to satisfy their needs; just as they did in this example in 2009 when they took about 1/3 of the minimum fishery flow.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Supplies.
South Delta Water Agency	10/27/2010	The Arcadis Report hit the nail on the head in many areas, most importantly noting that BDCP simply refuses to acknowledge reality and blunders forward to seize an amount of water desired. From an interested parties perspective, it is amazing to watch as the State and other parties spend such huge amounts of money and time to once again re-divide an insufficient pie in a manner which conflicts with State water right priority laws, and State and Federal environmental laws.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Supplies.

**Matrix 7 Comments Related to Water Quality (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
California Water Impact Network	11/2/2010	We disagree with the assertion by the water contractors that “state mandated water quality requirements have been met for over 10 years” for the Grasslands Bypass Project. Water quality standards that protect fish and wildlife have not been enforced. They have been waived for the past decade and it is likely the standards will not be “implemented” for almost another decade. In fact, in the San Joaquin River safe drinking water standard of 50 ppb was violated just this last January at Hills Ferry. From August 2009 through January 20, 2010, levels of selenium at Hills Ferry consistently exceeded safe fish and wildlife protection averaging 15.65 ppb.3 Eliminating water quality standards is not the same as meeting them.	This comment will be used in the development of the Delta Plan, Delta Plan EIR alternatives, and impacts assessment related to water resources and water quality
California Water Impact Network	11/2/2010	The State & Federal Contractors Water Agency letter claims that the toxic groundwater from Westlands does not drain to the Delta. State regulators and USGS scientists disagree with that statement. In fact, Senior Engineer Rudy Schnagl of the Central Valley Regional Water Quality Control Board testified at a May 27, 2010, hearing that contaminated groundwater from the northerly area of Westlands does enter the Grasslands Bypass Project and ultimately the San Joaquin River...Furthermore, a 2004 Environmental Assessment for the Broadview Water Contract Assignment also identified that the northerly area of Westlands drains into the Grasslands area	This comment will be used in the development of the Delta Plan, Delta Plan EIR alternatives, and impacts assessment related to water resources and water quality
Contra Costa Water District	10/27/2010	p. 2-20 line 6. Ammonia discharge from wastewater treatment plants contributing to toxicity in smelt needs a reference.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Water Quality
Contra Costa Water District	10/27/2010	p. 3-3 line 27 should read... altering salinity magnitude and variability both temporally and spatially throughout the Delta, ...	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 3-4 line 2 please elaborate more on “frequent shifts of the salinity gradient away from down-estuary natural state”...This is the first and last time that concept appears in the text. There are no mentions of causes for this or no references to actual published observations or graphs of public data (all are readily available).	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 4-12 ‘Agricultural, Industrial, and Urban Discharges’ section should include a discussion of elevated salinity that results from agricultural runoff and drainage; this is a major problem that has been well documented in the San Joaquin Basin.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Water Quality

**Matrix 7      Comments Related to Water Quality (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Contra Costa Water District	10/27/2010	p. 4-20 line 23 should read...Compared to historical conditions, the Delta is well connected and well mixed, resulting in shorter and more uniform residence times.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Water Quality
Contra Costa Water District	10/27/2010	p. 4-20 Low Salinity Variability Section would be improved by removing the first paragraph in the section and the addition of the text below...As noted in the introduction to this paper, on page 2-3 lines 31-33 indicate that "intertidal wetlands of the Delta were freshwater ecosystem; it is thought that brackish water only occasionally intruded beyond Suisun Marsh except during severe, multi-decadal drought (Moyle et al 2010)". Paleosalinity data indicate that even during long droughts when there was substantial salinity intrusion into Suisun Bay, Delta salinity remained predominately fresh (Ingram and DePaolo, 1993; Wells and Goman, 1995; Ingram et al., 1996; May, 1999; Byrne et al., 2001; Goman and Wells, 2000; Starratt, 2001; Malamud-Roam and Ingram, 2004; Malamud-Roam et al., 2006; Malamud-Roam et al., 2007; and Goman et al., 2008). This is thought to be due to in part to the substantial reduction in tidal flow by the tidal marshes of the Delta; channelization of the Delta now allows much greater tidal dispersion of salinity into the Delta. The historical record and published studies show the Delta is now managed at an average salinity level much higher than would have occurred under natural conditions (Enright and Culberson 2009, Contra Costa Water District 2010).	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Water Quality
Contra Costa Water District	10/27/2010	Human activities, including channelization of the Delta, elimination of tidal marsh, and water diversions, have resulted in increased salinity levels in the Delta during the past 150 years. The recent increase in salinity began after the Delta freshwater marshes had been drained, after the Delta was channelized and after large-scale upstream diversions of water, largely for agricultural purposes, had significantly reduced flows from the tributaries into the Delta. It has continued, even after the construction of reservoirs that have been used in part to manage salinity intrusion.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Water Quality
Contra Costa Water District	10/27/2010	Seasonal and inter-annual variation in salinity has also been changed, largely as the result of reduced freshwater flows into the Delta. At any given location in the western Delta and Suisun Bay, the percentage of time during the year when fresh water is present has been greatly reduced or, in some cases, largely eliminated.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Water Quality
Environmental Water Caucus	10/20/2010	Salt and toxin laced drainage from lands in the San Joaquin valley have long been identified as problematic, both for the local environment in the valley, as well as for the Delta.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Water Quality

**Matrix 7      Comments Related to Water Quality (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	10/20/2010	...we request that you direct your lead scientist to undertake an accelerated review of the suggested alterations and additions to the current proposed permit conditions that we have urged the RWQCB to adopt in an effort to strengthen the efficacy of any renewal and particularly to address water quality degradation in the near-term and interim period prior to full compliance with the permit ultimately approved by the RWQCB....Attached Letter from Alameda County Water District, Alameda County Flood Control and Water Conservation District, Zone 7, Contra Costa Water District, Kern County Water Agency, Metropolitan Water District of Southern California, San Luis & Delta Mendota Water Authority, Santa Clara Valley Water District, State & Federal Contractors Water Agency, State Water Contractors, Westlands Water District to Ms. Katherine Hart Chair, Central Valley Regional Water Quality Control Board	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Supplies and Water Quality Resources.

**Matrix 8 Comments Related to Ecosystem Resources (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Contra Costa Water District	10/27/2010	Section 3 "Estuarine Mixing: Tides, River Flows and Resulting Salinity Variability are key to Estuarine Ecology" contains the statement that "Humans have completely altered the geometry of the estuary through ... regulating Delta salinity to be as uniform and low as possible". This is obviously incorrect: making salinity as low as possible would be accomplished by prohibiting all diversions from, as well as discharges to, the watershed. One could argue the exact opposite is true: the story of the modern Delta has centered on exactly how saline the Delta can be allowed to get in order to maximize water diversions from the system. A correct statement regarding salinity would be "... regulating salinity in an attempt to meet conflicting demands for water quality, water supply and ecosystem needs such that there is decreased variability and increased salinity levels in Suisun Bay and the western Delta".	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Biological Resources
Contra Costa Water District	10/27/2010	Section 4 "The Decline of the Delta and Suisun Ecosystem" also needs improvement. Water quality degradation has been a concern in the Delta for over a century, and it is a key factor to be addressed in order to restore the environment and protect drinking water from the Delta. The historical record and published studies show the Delta is now managed at an average salinity level much higher than would have occurred under natural conditions, the causes of which are both the channelization of the Delta (which has increased tidal dispersion of salt into the Delta) and diversions of freshwater from above and out of the Delta.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Biological Resources
Contra Costa Water District	10/27/2010	p. 2-20 line 6. Ammonia discharge from wastewater treatment plants contributing to toxicity in smelt needs a reference.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Water Quality

**Matrix 8 Comments Related to Ecosystem Resources (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Contra Costa Water District	10/27/2010	p. 2-21 line 10-21. This whole paragraph needs references or should be removed. This section appears to make the claim that there are “hydraulic cues” that salmon and steelhead respond to. We are unaware of any studies that show salmon respond to ‘net flow’ (e.g., the average velocity at a location over a given time period). Section 3 shows that in most instances, net flows caused by human activities are a small fraction of the instantaneous tidal flow. Fish experience local velocity (not flow) and we are aware of no studies that show if or how fish can detect a small change in tidal velocity due to an imposed net velocity that is one or two orders of magnitude smaller than the tidal velocities. Where net velocities approach the tidal velocity (for example, in Old and Middle Rivers when exports exceed about 6,000 cubic feet per second plus 50% of the San Joaquin River inflow) salvage is seen to increase markedly, but this is due to the loss of the ebb tide (i.e., the hydraulics become largely a one-way advective process, as opposed to a two-way tidal process). The hydraulics do affect chemical patterns and it is very likely that the reverse salinity gradients caused by high salinity in the San Joaquin River and south Delta do affect salmon migration by confusing salinity cues. But this is a very much different process than the “hydraulic cue” claimed.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Biological Resources
Contra Costa Water District	10/27/2010	p. 3-1 Lines 15-17 should read The San Francisco Bay-Delta estuary now lacks many of these critical attributes and modern management activities have reduced variability.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 3-1 Lines 25-26 Delete these lines...	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 3-3 Figure 3-2, why is the westernmost flow arrow unidirectional? It would also be helpful if there was a legend identifying where those measurements are taken	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 3-3 line 27 should read... altering salinity magnitude and variability both temporally and spatially throughout the Delta, ...	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 3-4 line 2 please elaborate more on “frequent shifts of the salinity gradient away from down-estuary natural state”...This is the first and last time that concept appears in the text. There are no mentions of causes for this or no references to actual published observations or graphs of public data (all are readily available).	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources

**Matrix 8 Comments Related to Ecosystem Resources (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Contra Costa Water District	10/27/2010	p. 4-4 line 1 Please incorporate the following text to accompany figure 4-1.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	Figure 4-1 shows historical trends of Sacramento and San Joaquin River Basin runoff, trends of reservoir storage in each of those basins, delta diversions and exports, irrigated acreage in the Central Valley and winter and fall salinity at the confluence of the Sacramento and San Joaquin Rivers. The two top plots show that runoff in the upper water shed is extremely variable from year to year. This extreme variability in water supply prompted dam construction in the upper watershed to ensure a more reliable water supply. The greatest increase in upstream reservoir storage occurred from the 1920's through the 1960's. Prior to the construction of major water management reservoirs, irrigated acreage grew to about 4 MAF. The construction of the reservoirs allowed irrigated acreage to increase to about 9 MAF. Since 1951, when the first south Delta export facility was completed, annual diversions from the Delta have increased to a maximum of about 6 MAF; total annual diversions from the system are estimated at up to 15 MAF. A consequence of the increases in water stored upstream and increases in demand (exports and irrigation) is greater sea water intrusion and a saltier Delta, particularly in the fall months. Prior to 1976, fall salinity was high only in relatively dry years; recently, fall salinity is high almost every year. High salinity in the fall has been identified as a factor in the decline of the Delta ecosystem. Baxter et al. (2008) noted that "fall salinity has been relatively high during the POD years, with X2 positioned further [sic] upstream, despite moderate to high outflow conditions during the previous winter and spring of most years."	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Surface Water Resources
Contra Costa Water District	10/27/2010	p. 4-7 lines 1-6 should be consistent with the stressors outlined in the table so the paragraph should read... Wetland and floodplain reclamation has contributed significantly to four major stressors to the ecosystem: 1) loss of physical habitat; 2) loss of habitat and interface connectivity; 3) altered geometry combined with altered flows leads to greater salinity intrusion and greater tidal mixing (increased tidal energy); 4) decrease in residence time variability.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Biological Resources
Contra Costa Water District	10/27/2010	p. 4-11 Line 40 should read...Unscreened water diversions cause direct mortality...	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Biological Resources

**Matrix 8 Comments Related to Ecosystem Resources (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Contra Costa Water District	10/27/2010	p. 4-14 lines 1-8 The list does not match the summary tables or previous lists of stressors	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Biological Resources
Environmental Water Caucus	10/20/2010	We can argue over terminology here, but high exports are a primary stressor. Certainly, this is not a "one cause" problem, but export reductions are necessary along with reductions in toxic inflows, invasive species management and others. To intimate that exports are not a problem simply is inconsistent with science.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Biological Resources
Contra Costa Water District	10/27/2010	Section 3 "Estuarine Mixing: Tides, River Flows and Resulting Salinity Variability are key to Estuarine Ecology" contains the statement that "Humans have completely altered the geometry of the estuary through ... regulating Delta salinity to be as uniform and low as possible". This is obviously incorrect: making salinity as low as possible would be accomplished by prohibiting all diversions from, as well as discharges to, the watershed. One could argue the exact opposite is true: the story of the modern Delta has centered on exactly how saline the Delta can be allowed to get in order to maximize water diversions from the system. A correct statement regarding salinity would be "... regulating salinity in an attempt to meet conflicting demands for water quality, water supply and ecosystem needs such that there is decreased variability and increased salinity levels in Suisun Bay and the western Delta".	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Biological Resources
Contra Costa Water District	10/27/2010	Section 4 "The Decline of the Delta and Suisun Ecosystem" also needs improvement. Water quality degradation has been a concern in the Delta for over a century, and it is a key factor to be addressed in order to restore the environment and protect drinking water from the Delta. The historical record and published studies show the Delta is now managed at an average salinity level much higher than would have occurred under natural conditions, the causes of which are both the channelization of the Delta (which has increased tidal dispersion of salt into the Delta) and diversions of freshwater from above and out of the Delta.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Biological Resources
Contra Costa Water District	10/27/2010	p. 2-20 line 6. Ammonia discharge from wastewater treatment plants contributing to toxicity in smelt needs a reference.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Existing Conditions for Water Quality

**Matrix 9 Comments Related to Risk Reduction (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Commentor	10/4/2010	Mr. Spragg originally proposed his waterbag technology as a potential emergency measure for transporting fresh water across a seismically damaged Delta a number of years ago. My assessment was that although it was a novel and interesting idea, it would not be very useful at the full State level as the volume of water that could be delivered via towed waterbags was too small, and as it would face likely difficulties with regard to constrictions, obstacles and potential puncture threats during transit across a badly damaged Delta. I was struck, however, by the greater potential represented by using the same type of fabric technology to construct a modular fabric "pipeline" through the Delta. As noted in the attached E-mail from Tawnley Pranger (Chief, Response and Security Section, Division of Flood Management, DWR) there is some significant potential promise here.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives
Commentor	10/4/2010	My view is that such a singular focus on the current effort to push through a secure transmission facility was an inadvisably risky approach, given (1) the unacceptably high current stakes, (2) the unacceptable likelihood that a seismic disaster will occur before such a secure transmission facility can be put in place (which will take at least ten years, even if we begin right away.... and with a roughly 1.5% chance each year of seismic disaster in the interim), and (3) the likelihood that construction of a secure transmission facility will continue to be further delayed anyway (by political and legal obstacles and challenges, etc.). History suggests that we will continue to live with unacceptably high exposure to an unprecedented water disaster for some time to come, and as we discussed it is my view that interim and emergency back-up plans should be considered, and that promising alternatives should be pursued with all possible vigor.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives
Commentor	10/4/2010	The fabric pipelines may be a potentially feasible emergency measure to partially mitigate the current potential for a seismically induced water disaster. Apparent advantages might include: 1. Relatively low cost. 2. The apparently environmentally benign nature of the system (as compared to massive dredging, etc., and potential semi-permanent rearrangement of channels and flow to otherwise expedite "regular" levee repairs and reconstruction.) 3. The rapidity with which the system could be deployed. 4. The modular nature of the system, so that it can be progressively expanded (additional pipelines added) over the initial months after an earthquake. 5. The system itself would appear to be rapidly repairable, and so could be maintained in a resilient manner for several years in the face of urgent levee repair and reconstruction efforts. "Potentially feasible" is an important phrase, however. This is a novel proposal, and it would need to be studied, and field tested.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives

**Matrix 9      Comments Related to Risk Reduction (10/15/10-11/8/10)**

Association	Date	Comment	Status of Comment
Commentor	10/4/2010	Given that the current levels of risk are so high, and that the prospects for a rapid implementation of a secure long-term solution (e.g. a more "permanent" seismically secure facility) are both uncertain and remote with respect to even best-case timing; undertaking expeditious efforts to evaluate and implement "interim and emergency response enhancement" alternative should have the highest possible priority.	This comment will be considered for preparation of the Delta Plan and EIR, including description of the Alternatives
U.S. Department of Homeland Security, FEMA	10/14/2010	You requested that the CVFPB advise the Council of the key staff resources who will be responsible for providing this information to ensure alignment with the Delta Plan's objectives given the statutory deadline of January 1, 2012. Kathleen Schaefer, Regional Engineer, will be FEMA Region IX's point of contact in support of the Council and the Delta Plan objectives.	This contact will be incorporated into the Federal agency coordination effort.